

CHILD CARE LICENSING ADVISORY COMMITTEE MINUTES

14 January 2010
Cannon Health Building
228 North 1460 West Room 114
Salt Lake City, Utah

Members Present: Dale Smith, David Rothschild, Carol Thompson, Pat Morino, Ed Dieringer, Diane Wilkinson, Michael Libeck, Julie Shakib, Heide Radeke, Joni Hemond

Members Excused: Leslie Hjorth, Jodi Jensen

Members Absent: Carolyn Miller

Bureau Staff Present: Teresa Whiting, Simon Bolivar, Sherri Lizotte, Donna Thomas, Colleen Murphy, Joyce Hastings, Karrie Phillips, Joan Isom

REVIEW AND APPROVAL OF MINUTES

Once a quorum of members was present, the minutes from September 10, 2009 and the minutes from November 19, 2009 were approved.

OLD BUSINESS

Update of rule amendments filed to R430-6 Background Screening, R430-8 Exempt, and R430-70 Out of School Time Child Care Programs

Ms. Whiting reported that these three sets of rules are now in effect.

Mr. Anderson, who was recently appointed to Utah's House of Representatives, questioned the child care subsidy funds and child care food program funds for private education institutions. Ms. Whiting clarified that these programs do not generally receive such funds.

Update on Voluntary Quality Recognition Program

Ms. Whiting reported that there have been two developments in this area. 1) The newest projected date for the completion of the Bureau's database is December 2010, and the database is necessary for this program. 2) Four percent of the Office of Child Care's CCDF grant must be spent on quality, and a focus area for this grant is now Quality Rating Systems. Therefore, OCC will be taking over the lead on this program. The Advisory Committee will keep the sub-committees for this program until they are adopted by the OCC Advisory Committee.

NEW BUSINESS

Introduction of Simon Bolivar, Bureau Administrative Specialist

Ms. Whiting introduced Mr. Bolivar and explained that, due to the recent expansion of the Bureau, he will be assisting her with duties associated with Child Care Licensing.

Upcoming One Year Implementation Review of Home Provider Rules

Ms. Whiting reported that the rules for Home Providers have been in place for a year and the Bureau will now review them to see what might have been missed and what may not be working. She will send a notice to all Home Providers asking for their input. She will also ask Licensors for their input. She will bring this information to the March or the May Advisory Committee meeting.

Coordination Center and Out of School Time Rules

Ms. Whiting reported that the Bureau will be reviewing the Center rules to see if any of the rules in them for school-age children are stricter than those in the Out of School Time rules. If they are, the Center rules will be amended for school age classrooms in those programs. She will bring this information to the March of the May Advisory Committee meeting.

Update to Rule Interpretation Manuals

Ms. Whiting explained that Noncompliance Levels for findings to rules for Home Providers take into account both the severity of harm to a child that could result from noncompliance and the likelihood that noncompliance will result in harm to a child. When Noncompliance Levels were determined for findings to rules for Center Providers only the severity of harm was considered. Because of this, many noncompliance levels in the Center Manual have been adjusted to include the likelihood that noncompliance will result in harm to a child.

Mr. Marino asked how the levels are determined. Ms. Whiting answered that they are the result of Bureau review and management discussions.

Ms. Whiting also reported that now that all of the major operational rules have been in effect for over a year, the Interpretation Manuals will only be updated each January. Providers will receive postcards telling them that the manuals have been updated and the address of the Bureau's web page.

Ms. Whiting explained that updates are the result of communication with providers, provider appeals, provider comments on evaluation forms, and questions from licensors.

Mr. Smith asked if emergency updates can be made to the manuals. Ms. Whiting answered that they can.

Ms. Wilkinson asked if the updates can be presented in a document that compares the previous and new versions. Ms. Whiting said that depends on available manpower. Ms. Silver said that Workforce Services has a system of alerts for changes and perhaps the Bureau can consult with them.

A straw poll of committee members showed they are in favor of yearly updates.

Ms. Hasting reported the following updates to the Center Interpretation Manual:

- 100-4(10) Film on windows is an acceptable alternative to safety glass if documentation shows it meets CPSC or ASTM standards.
Links for information about film was added.
Tempered glass is safety glass.
- 100-12(4)(d)-(k) For items on a counter to be inaccessible to children, the counter needs to be at least 36" high and 2' deep. Items must be at the back of the counter or at least 2' from the sides of the counter.
- 100-13(4) If a parent doesn't pick up a child from the center on the day of an incident, accident, or injury (for example, the parent picks up the child at school), the provider can give the parent the report the next time the parent drops off or picks up the child at the center.
- 100-17(3) Glucose tablets are not considered medication.
Dietary supplements and herbal tea concentrates are considered medication.
- 100-21(3)(b) Transportation includes walking children to and from school.
- 100-24(6) Tater Tots and canned green beans are not solid food that need to be cut into small pieces.
Frozen and fresh green beans are solid food that have to be cut into small pieces.

Ms. Phillips reported the following updates to the Home Interpretation Manual:

- 90/50-11(1)(b)(iii) Department-approved sleeping devices are those that have movement sensors that will detect when an infant stops breathing and sound an alarm.
- 90-50-21(4)(a) Trigger locks are not an acceptable alternatives to storing firearms in a locked cabinet or area.
Air Soft guns, paint ball guns, and BB guns are considered to be weapons, not firearms.
- 90/50-12(4)(d) Gun powder is considered to be a toxic chemical.
- 900-13(4) If a parent doesn't pick up a child from the provider's home on the day of an incident, accident, or injury (for example, the parent picks up the child at school), the provider can give the parent the report the next time the parent drops off or picks up the child at the provider's home.
- 90/50-22(5) Animal equipment must be at least 36" from the food preparation or eating area.

- 90/50-23(1) Diapering surfaces must be at least 36" from the food preparation or eating area.
- 90-10-24(15) If infants and/or toddlers are in a carefully supervised activity with a caregiver sitting at the table with them, they may use objects made of Styrofoam. However, objects made of Styrofoam may not be accessible to these children unless a caregiver is at the table with the children and supervising their use of the items.

Mr. Smith asked if the requirement for animal equipment to be at least 36" from the food preparation or eating area should also be in the Center Interpretation Manual. Ms. Hasting said she will bring this question to the next Bureau Managers meeting.

Ms. Hemond asked if home providers are required to disclose to parents that there are weapons or firearms in the home. Ms. Whiting answered that this is not presently in the rule but she will add it to the list of possible amendments.

Center Interpretation Manual, rules 100-6(2) and (3), outdoor play area

100-6(2) states that outdoor play areas must have at least 40 square feet of space for each child using the playground at the same time as other children. 100-6(3) states that the outdoor play area shall accommodate at least 33% of the licensed capacity at one time or must be at least 1600 square feet.

Mr. Rothschild questioned if 1600 square feet is adequate for an outdoor play area. Ms. Whiting explained there must be compliance to both rules.

Mr. Rothschild felt that there should be more square footage for school-aged children. Mr. Marino suggested taking out "at least 33% of the licensed capacity at one time" as "at least 1600 square feet" meets that intent and 33% seems like an arbitrary percent. Mr. Anderson from UPCCA stated that the rule came about for the number of children you could have outside at one time, because at the time the Department didn't want anyone to purchase a large building and not have enough outdoor play space that would mean only a small number of children could be outside at one time. This could potentially limit the daily amount of time children can spend outside.

Mr. Rothschild stated that the rules don't take into account the slope of the outdoor play area. He knows a center that uses a water retention basin as their outdoor play area and he doesn't feel it is a safe area. Ms. Whiting asked Mr. Rothschild to draft some possible language to address this for possible addition to the next rule updates.

Ms. Rothschild asked if fencing off part of a parking lot is an acceptable outdoor play area. Ms. Whiting states that it does not violate any current rules.

PUBLIC COMMENTS

Ms. Silver asked how budget cuts will affect the Bureau's operation. Ms. Whiting replied that the legislators predicted that the \$25 Additional Inspection Fee would generate about \$40,000 in the fiscal year. It will actually generate between \$2,000 and \$3,000. To meet the budget cuts for the current fiscal year, all Department of Health employees must furlough one day in January. The director will review this saving and let employees know if additional furloughs are necessary. For the next fiscal year, all Departments are to have plans for a 1% cut, a 3% cut, and a 5% cut. The Fiscal Analyst proposed a 10% cut to General Funds but this has not yet been discussed. Except for the January furlough, no decisions have been made.

The meeting was adjourned at 10:52 a.m.